

Avaya ~~Inc.~~
Reply Comments in CC Docket 02-6
August 30, 2004

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Eligible Services List for) CC Docket No. 02-6
Schools and Libraries)
Universal Service Support Mechanism)

REPLY COMMENTS OF AVAYA ~~INC.~~

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Avaya ~~Inc.~~ is a participant in the Schools and Libraries Universal Service Support Mechanism as a service provider (vendor) of Internal Connections. We submit these comments in reply to various comments previously filed on the Eligible Services List in this proceeding. Avaya generally agrees with the requests for more specificity and examples in the Eligible Services List, especially in light of the existing ambiguities and inconsistencies related to Voice over IP equipment and services.

1. Inconsistency on Voice Over IP

Avaya notes that the eligibility of certain internal connections equipment, such as Voice Compression Modules and Voice/Video ~~o~~ver IP Components appears to be inconsistent with the determination that Voice ~~o~~ver IP **service** is not currently eligible. As the equipment identified above has only one use (which is to enable

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Voice Over IP service), it appears to be overly confusing and misleading to

applicants to allow such equipment to be eligible, but to ~~prohibit, that very same~~
~~equipment from performing the functions for which it was designed.~~

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Avaya appreciates that the question of whether Voice over IP service should be eligible (and if so, in what service category) remains an open question before the Commission. We suggest, however, that pending that determination, the FCC should reconsider whether the equipment that enables Voice over IP service should remain eligible. As more scrutiny is given to questions of waste and abuse in the E-rate program, the FCC should do what it can to eliminate unnecessary confusion and ambiguity.

2. Broadband as "Basic Conduit Access"

Avaya is concerned that fraud, waste and abuse is occurring within the E-rate program as applicants are "hiding" their Voice over IP services under the guise of broadband internet access. The purpose of the Telecommunications Act of 1996 was to ensure "basic conduit access" within the classrooms of schools (and in the libraries). Broadband, by definition, is high capacity access; it exceeds "basic conduit" and enables high bandwidth applications (such as voice/video over IP). In fact, broadband is defined as being bidirectional – that is, equally fast for both downloads and uploads. That functionality seems to belie the "basic conduit access" aspect of such a network.

Broadband internet access is listed in the new Eligible Services List under only the Internet access category. ~~However, w~~hen the applicant seeks "broadband"

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Internet access, it is likely that some of these networks are being procured for the purpose of voice transmission, and therefore, should properly be categorized

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under Telecommunications rather than under Internet access. Avaya has no preference for whether Voice over IP services are classified as Telecommunications or Information Service, but we do have a concern that fraud, waste or abuse may be occurring in situations where such broadband networks are not being properly described. While this issue is being considered by the Commission, Avaya seeks to ensure, as would any conscientious service provider, that a level playing field exists for all those providing products and services within the E-rate program.

Avaya appreciates the efforts of the Commission and its staff in continuing to refine and improve the E-rate program.

Respectfully submitted,

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